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OFFICE OF PETITIONS

In re Application of :
Raghavan, et al. : DECISION REFUSING STATUS
Application No. 10/666,532 : UNDER 37 CFR 1.47(b)
Filed: September 19, 2003 :
Atty. Dkt. No.: B-3996NP621226-5 :
For: SYMMETRIC PLANAR INDUCTOR :

This decision is in response to the renewed petition under 37 CFR 1.47(b), filed June 14, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed September 19, 2003 without an executed oath or declaration and naming Gopal Raghavan and Michael G. Case as joint inventors. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed December 15, 2003. The Notice required, *inter alia*, an executed oath or declaration and a surcharge. A petition under 37 CFR 1.47(b) was filed February 20, 2004 and dismissed May 14, 2004.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to

preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks requirement (1) set forth above.

As to item (1), petitioner has failed to establish that inventor Gopal Raghavan cannot be reached or located for presentation of the application papers (specification, claims, drawings, and oath or declaration). Petitioner alleges that the application papers were sent to the last known address of the non-signing inventor but that the package containing the application papers was returned as undeliverable. The petition also indicates attempt to locate the inventor via the internet was unsuccessful.

Where inability to reach or locate a non-signing inventor is alleged, petitioner is required to establish that diligent effort was made to locate the non-signing inventor, and provide the non-signing inventor with a complete copy of the patent application (**specification, including claims, drawings, and oath or declaration**). While, petitioner alleges the non-signing inventor cannot be located, please note that a cursory review of the Lexis®.com EZFIND Combined Person Locator Nationwide database indicates Gopal Raghavan, previously of 517 Oakbury Court, Thousand Oaks, California 91360, has more recently resided at 2460 McCrea Road, Thousand Oaks, CA 91362-1122.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts, which are relied on to establish that a *diligent effort* was made to locate the inventor. A person having firsthand knowledge of the facts recited therein must sign the statement of facts, where at all possible. Statements based on hearsay, will not normally be accepted. At the very least, a more exhausting search of the internet and telephone directories should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioner should reference and supply evidence of any such searches in a renewed petition. See, MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
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By facsimile: (703) 872-9306

By hand: Patent and Trademark Office
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Inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Please be advised that on or about September 28, 2004 the undersigned may be reached by contacting the Office of Petitions at the newly established telephone number of (571) 272-3282.



Alesia M. Brown
Petitions Attorney
Office of Petitions